

REMARKS

Response to Restriction Requirement

The Examiner has requested that Applicant elect between Groups I, II, III and IV as follows:

- Group I Claims 1-12 and 14, drawn to compounds of formula (IIb) and simple compositions thereof seen in claim 5 wherein Q¹ may be Q², C₁₋₄alkyl-Q¹³-C(O)-C₁₋₄alkyl-Q¹⁴, and C₁₋₅alkylQ².
- Group II Claims 1-12 and 14, drawn to compounds and simple compositions thereof not embraced by group I.
- Group III Claim 13, drawn to a process of making compounds in either groups I or II (applicant must elect one compound group).
- Group IV Claim 16, drawn to a method for producing an antiangiogenic and/or vascular permeability reducing effect in an animal by administering compounds in either groups I or II (applicant must elect one compound group).

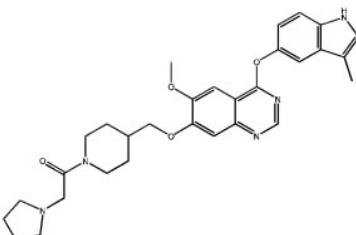
Applicant hereby provisionally elects, with traverse, Group I, claims 1-12 and 14 drawn to compounds of the formula IIb and compositions thereof, wherein Q¹ is as defined in the Group I definition above.

It is understood that this election is provisional in that upon allowance of compound claims of elected Group I, process and method claims of Groups III and IV that depend from or otherwise require all the limitations of the allowable compound claim will be considered for rejoinder.

The Examiner has also requested that Applicant provisionally elect a single disclosed compound species. Applicant hereby elects, with traverse, the species of Example 4, which is also the 4th-listed compound in claim 10:

6-methoxy-4-[(3-methyl-1*H*-indol-5-yl)oxy]-7-{{[1-(pyrrolidin-1-ylacetyl)piperidin-4-yl]methoxy}quinazoline,

having the structure:



This species is encompassed within each of compound claims 5-7, 9, 10 and 12, and is within the compound definition of pharmaceutical composition claim 14. It is understood that this election of species is provisional, and that further species up to the full scope of the claimed genus will be examined in this application as prior examined species are found allowable.

This restriction requirement is traversed with respect to the Examiner's asserted basis upon which the restriction requirement is justified, and reserves the right to argue against the Examiner's characterization of Hennequin *et al.* (WO 00/47212) if it is applied to a rejection of the claims elected for prosecution in the present application.

Claim Amendments

The claims have been amended to bring them into compliance with the scope of elected Group I.

Original claims 1-4 have been cancelled as being broader in scope than claim 5, which forms that basis of the Examiner's Group I.

Claim 5 has been amended to put in independent form and to directly recite the definition of each moiety rather than by reference to another claim. More specifically, the definitions of Q¹ have been incorporated directly from original claim 6 insofar as such definitions are consistent with the scope of Q¹ as defined by the Examiner in Group I. X¹ has been defined as O, and the recitation "and additionally wherein any C₁₋₅alkyl group in Q¹X¹- which is linked to X¹ may bear one or more substituents selected from hydroxy, halogeno and amino" is taken from the end of original claim 6 insofar as applicable to the amended claim 5 definition of Q¹X¹.

Claim 6 has been amended to further limit claim 5 only with respect to one of R^{2a} and R^{2b} being methoxy and the other being Q¹X¹ as defined in claim 5.

Claims 7, 8 and 9 have been retained as originally presented

Claims 10 and 11 have been amended to be dependent on claim 5, and to be otherwise consistent with their “selected from” format.

Claim 12 has been amended to be dependent only on compound claims 5, 10 and 11.

Process for making claim 13 has been amended to change all references to claim 1 refer to claim 5, and has been designated as being “withdrawn” pursuant to the restriction requirement. It is recognized that further amendments to claim 13 may be required at an appropriate time to be consistent with the scope of claim 5 and therefore eligible for rejoinder.

Pharmaceutical composition claim 14 has been amended to be dependent on elected claim 5.

“Use” claim 15 has been cancelled as not being a format that is generally accepted under U.S. practice.

Method claim 16 has been amended to be dependent on claim 5, so as to be eligible for rejoinder, and designated as “withdrawn” pursuant to the restriction requirement.

It should be apparent from the foregoing that no new matter has been introduced by the above amendments, and entry thereof is therefore believed to be in order and is respectfully requested. The amendments are being made without waiver or prejudice to Applicant’s right to pursue the subject matter deleted thereby in one or more divisional applications. Following entry of these amendments claims 5-14 and 16 remain pending in this application, with claims 13 and 16 being designated as “withdrawn.”

Supplemental Information Disclosure Statement

The Examiner’s attention is drawn to the further Information Disclosure Statement being submitted herewith, which includes a form PTO-1449 and a copy of each of the non-US patent/published application documents. The form PTO-1449 lists US Patent No. 7,074,800, which issued on the US National Stage application corresponding to previously cited WO 00/47212, and also US 20060004017, which published on divisional Appln. 11/169,122, which application is currently pending and is also listed on the below table of pending applications that might be considered technically related to the present application. The form PTO-1449 also lists US Patent No. 7,268,230, which issued on the US National Stage application

corresponding to previously cited WO 03/064413, as well as US 20080027069, which published on continuing Appln. 11/705,035, and US 20090156821, which published on continuing Appln. 11/882,604, both of which applications are currently pending and are also listed on the below table of pending applications that might be considered technically related to the present application.

Table of Related Applications

The Examiner's attention is directed to the following co-pending U.S. patents and patent applications of Applicants' assignee, which may be considered technically related to the present application. The current status of each application as reported in the PAIR database is given in the right-hand column. Each of the published US applications and patents is listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of each listed published PCT application has been submitted with a previously filed Information Disclosure Statement.

It is assumed that the Examiner has ready electronic access to each of the listed US applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

Inventor	U.S. Serial No. Filing Date	U.S. Pub. No. Publication Date	PCT Pub.No. PCT Pub. Date	Status
Stokes <i>et al.</i>	09/913,020 May 6, 2002	7,074,800 July 11, 2006	WO 2000/47212 August 17, 2000	Patented
Stokes <i>et al.</i>	11/169,122 June 29, 2005	US 20060004017 January 5, 2006	WO 2000/47212 August 17, 2000	Assigned to Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 05- 11-2009
Hennequin	10/502,538 July 28, 2004	7,268,230 September 11, 2007	WO 2003/064413 August 07, 2003	Patented
Hennequin	11/705,035 February 12, 2007	US 20080027069 January 31, 2008	WO 2003/064413 August 07, 2003	Assigned to Examiner Tamthom Ngo Truong in GAU 1624; Ready for Examination

Inventor	U.S. Serial No. Filing Date	U.S. Pub. No. Publication Date	PCT Pub.No. PCT Pub. Date	Status
Hennequin	11/882,604 August 2, 2007	US 20090156821 June 18, 2009	WO 2003/064413 August 07, 2003	Assigned to Examiner Niloofar Rahmani in GAU 1625; Non Final Action Mailed 08-06- 2009

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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